Remarks

These remarks are in Response to the non-final Office Action mailed on November 24, 2004, in which claims 1-9 are pending. Claims 1-9 have been rejected.

Applicant has amended paragraph 30 (the first paragraph of the Detailed Description) to explicitly describe the projections 26 of the cap that were shown and labeled in at least FIG. 4. The amendment to the paragraph is to clarify the description of the cap, as shown in the drawings. No new matter has been added.

Applicant has cancelled claim 7, and has amended claim 9. Claim 9 has been amended to remove a limitation that read "... further comprising a locking mechanism selectively locking the spacer in the plurality of working positions" to include a limitation that reads "... further comprising a means for engaging that registers the spacer in the plurality of working positions." Support for the amendment is provided in at least paragraph 37 in the Detailed Description, as well as in amended FIG. 2.

1. The Drawings are objected to under 37 C.F.R. §1.83(a)

The Examiner objected to the drawings for failing to show every feature of the invention. Specifically, the Examiner noted that the drawings do not support claims 7 and 9. As stated above, claim 7 has been cancelled and claim 9 has been amended. Amended claim 9 now requires the present invention to include a "means for engaging," rather than a "locking mechanism." The Detailed Description (par. 37) and drawings (amended FIG. 2) clearly support the claim as it now reads. Applicants respectfully request that, in light of the cancellation of claim 7 and amendment to claim 9, the objections to the drawings be withdrawn.

2. The Drawings are objected to under 37 C.F.R. §1.84(p)(5)

The Examiner objected to the drawings because they include the reference number 26 in FIG. 4, and the reference number 26 does not appear in the Description. As noted above, paragraph 30 has been amended and now identifies the projections 26 of the cap. Accordingly, applicants respectfully request that the objection to the drawings be withdrawn.

3. The Specification is objected to under 37 C.F.R. §1.71

The Examiner objected to the Specification for not disclosing a "locking mechanism." As noted above, claim 9 was amended such that it no longer contains the objected-to "locking mechanism" language. Accordingly, applicants respectfully request that the objection to the drawings be withdrawn.

4, 5. Claims 1-9 are rejected under 35 U.S.C. §112, ¶1

The Examiner rejected claims 1-9 as containing subject matter which is not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Examiner identified three (3) separate instances:

A. *"Regarding claim 1, the disclosure fails to teach how the fingers displacement toward and beyond the cutting edge is controllable"*

With regard to the present rejection, the applicant respectfully disagrees. Paragraph 37 reads:

> Based on individual preferences, the spacer can move in different positions with respect to the shave plane and thus provide maximum comfort. To register the spacer 20 in the most individually comfortable working position, the body 34 of the spacer has a means for engaging, such as at least one protrusion 63, as diagrammatically shown in FIG. 2, mating with a series of spaced indentations (not shown), which are provided in the seat 12 and extend along a travel direction coinciding with the arrow B.

In addition, FIG. 4 (as amended) shows a protrusion 63. Clearly, based on at least the above, one skilled in the art can determine how a user can control the displacement toward and beyond the cutting edge of spacer. Simply put, the above discloses that the user can

accomplish the task by applying a force to the spacer, moving it forward until the protrusion 63 enters one of the series of indentations. The protrusion 63 on the spacer then remains in the desired indentation until the user applies sufficient force to move it – either to a forward position to remove debris from between the blades and/or to select a different working position where the protrusion 63 will reside in a different indentation.

Based on the above, applicants respectfully request favorable reconsideration of the above rejection.

B. *"Regarding claim 7, the disclosure fails to teach that the fixed members and the fingers alternate in a direction parallel to a longitudinal extend of the cutting edges of the blades"*

As noted above, claim 7 has been cancelled, rendering the present rejection moot.

C. *"Regarding claim 9, applicant fails to teach a locking mechanism which selectively locking the spacer in the plurality of the working positions"*

As noted above, claim 9 was amended such that it no longer contains the "locking mechanism" language, which is the basis for the present rejection. Accordingly, applicants respectfully request that the present rejection be withdrawn.

6, 7. Claims 1-6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,377,409 to Chen (hereinafter the "Chen reference")

In rejecting claim 1 of the present application, the Examiner – in part – noted (emphasis added):

> ...Chen also teach that spacer 20' has a plurality of spaced apart fingers 76' extending frontward of the spacers and being operable between an initial position wherein the fingers are retracted rearward of the cutting edge and a plurality of working positions wherein the fingers are displaces toward and beyond the cutting edge for controllably decreasing contact between the cutting edge of the at least one blade 16,18 and the skin for removing shaving debris accumulated in the space. The four curved protrusions on the bar 52' define the finger of spacer 20'. See Fig. 6 in Chen. The spacers or the fingers also controllably are displaced toward and beyond the cutting edge of blade 18 as shown in Fig. 5...

Applicants respectfully disagree with the present rejection with respect to claim 1. The Chen reference discloses a cleaning mechanism for a flexible, twin-blade, wet-shaving unit designed to remove the debris that becomes lodged between theblades during shaving. The cleaning mechanism may be employed with a flexible razor unit having a "slim" configuration and a centrally-fixed securing post extending through the unit. The cleaning mechanism includes an ejector bar operable between an advanced position and a retracted position and a pair of actuation return-members for biasing the ejector bar to the retracted position.

Claim 1 of the present invention discloses a razor blade cartridge comprising a seat, a cap mounted on the seat so that the seat and the cap define a space therebetween, at least one blade having a cutting edge and mounted between the seat and the cap, and a spacer coextensive with the at least one blade and mounted between the seat and the at least one blade, the spacer having a plurality of spaced apart fingers extending frontward of the spacer and being operable between an initial position wherein the fingers are retracted rearward of the cutting edge and a plurality of working position wherein the fingers are displaced toward and beyond the cutting edge for controllably decreasing contact between the cutting edge of the at least one blade and the skin and for removing shaving debris accumulated in the space.

Accordingly, applicants submit that, contrary to the Examiner's assertion, Chen does not disclose at least a spacer movable between a plurality of working position for controllably decreasing the contact between the edge of the at least one blade and the skin. The Chen reference discloses a spacer that is moveable between a rearward (rest) position and a forward position for removing debris. In other words, the spacer of the Chen reference can not be positioned to meet the individual comfort needs of the end user. Rather, the spacer of the Chen reference includes a pair of actuation return members that move the spacer immediately back to the rearward position, which is well behind the cutting edge of the blades (see e.g., FIG. 3A), once the force pushing the spacer forward is released. In fact, Chen discloses narrowing the width of the spacer (see FIG. 3B) to ensure smooth movement as the spacer moves between the forward and rearward positions.

Therefore, the Chen reference lacks one or more limitations of claim 1 of the present invention, rendering the present rejection improper. See MPEP 2131 ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Favorable reconsideration of the present rejection is respectfully requested.

Claims 2-6 and 8 depend from claim 1 and are therefore patentably distinct over the Chen reference for at least the same reasons stated above with respect to claim 1, as well as by virtue of the additional limitations therein. Favorable reconsideration with respect to these claims is also respectfully requested.

8, 9. Claims 1-6 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Chen reference in view of U.S. Patent No. 4,272,885 to Ferraro (hereinafter the "Ferraro reference")

In rejecting claim 1 of the present application, the Examiner noted, in part (emphasis added):

> ...Chen also teach that spacer 20' has a plurality of spaced apart fingers 76' extending frontward of the spacers and being operable between an initial position wherein the fingers are retracted rearward of the cutting edge and a plurality of working positions wherein the fingers are displaces toward and beyond the cutting edge for controllably decreasing contact between the cutting edge of the at least one blade 16,18 and the skin for removing shaving debris accumulated in the space. The four curved protrusions on the bar 52' define the finger of spacer 20'. See Fig. 6 in Chen. The spacers or the fingers also controllably are displaced toward and beyond the cutting edge of blade 18 as shown in Fig. 5...

Applicants respectfully disagree with the present rejection. The Chen reference does not teach or suggest a spacer that is movable between a plurality of working positions. In fact, the Chen reference teaches away from a spacer that is movable between a plurality of working positions that enable a user to select a position that is most comfortable to him or her. As noted above, the Chen reference discloses a spacer that can be selectively forced from a rest position to a forward position. However, the spacer and return members of the

Chen reference are specifically designed to return the spacer immediately back to the rearward position once the force is no longer being placed on the spacer.

The Ferraro reference fails to teach or suggest a spacer that is movable between a plurality of working positions, as well. The Ferraro reference discloses a razor cartridge including a blade seat, a cap blade, a cap and a spacer between the blades wherein cutting edges of the blades are exposed for shaving. The spacer is provided with a series of projections, at least some of which extend beyond cutting edges of theblades for diminishing contat between the blades and the skin to reduce potential for scraping and produce improved comfort in shaving. However, the spacer of the Ferraro reference is immovable and, therefore, also teaches away from a spacer that is movable between a plurality of working positions.

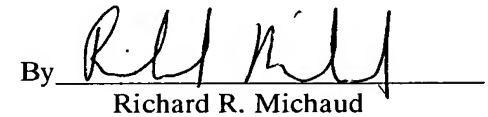
To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In addition, a prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Because each of the cited prior art references not only fails to teach or suggest at least the noted claim term, but also teaches away from altering the teachings to arrive at the present invention, the present invention can not be considered to be obvious in light of the Chen and Ferraro references. Favorable reconsideration is respectfully requested.

Claims 2-6 and 8 depend from claim 1 and are therefore patentably distinct over the Chen reference for at least the same reasons stated above with respect to claim 1, as well as by virtue of the additional limitations therein. Favorable reconsideration with respect to these claims is also respectfully requested.

In summary, applicants have traversed each rejection and/or objection made by the Examiner. Applicants therefore respectfully request that the objections and rejections be withdrawn and the present application be passed onto allowance.

A check in the amount of $1,020.00 is enclosed for the filing of a three-month extension of time. If it is determined that additional fees are required, please charge our Deposit Account No. 503342.

Respectfully submitted,

By 

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